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Crl.A.No.216 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2026

CORAM:

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.A.No.216 of 2026

Rajasekar @ Karuvandu

... Appellant

Vs.

1. The State represented by,
The Deputy Superintendent of Police,
Muthupettai Sub-Division,
Muthupettai,
Muthupettai Police Station,
Thiruvavarur District.

2. Shanthi

... Respondents

For Appellant	: Mr.P.Muthamizh Selvakumar
For R1	: Ms.J.R.Archana Government Advocate (Criminal Side)
For R2	: Ms.D.Jeevitha Legal Aid Counsel

PRAYER: Criminal Appeal is filed under Section 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, to call for the entire records in connection with Crl.M.P.No.21 of 2026 on the file of the Special Court for Trial of Cases under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Thiruvavarur, dated 06.02.2026 and set



Crl.A.No.216 of 2026

aside the order of dismissal in Crl.M.P.No.21 of 2026 on the file of the Special Court for Trial of Cases under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Thiruvavur, dated 06.02.2026.

JUDGMENT

The present Criminal Appeal has been filed against the order dated 06.02.2026 passed by the learned Sessions Judge, Special Court for Trial of Cases under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Thiruvavur, in Crl.M.P.No.21 of 2026, dismissing the petition filed by the appellant seeking bail.

2. The case of the prosecution is that on account of caste rivalry, the appellant/accused committed the murder of the *de facto* complainant's son by indiscriminately cutting him with a machete. Based on the complaint given by the *de facto* complainant/R2, a case in Crime No.54 of 2019 was registered for the offences under Sections 294(b) and 302 of IPC and Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2016. On completion of investigation, the final report was filed and the case was taken on trial in Spl.S.C.No.93 of 2019 on the file of the I Additional District and Sessions Court, Thanjavur. Subsequently, on account of the constitution of the Special Court at



Crl.A.No.216 of 2026

Thiruvarur, the case was transferred to the file of the Special Court for Trial of Cases under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Thiruvarur, and was re-numbered as Spl.S.C.No.74 of 2025. In the said case, the appellant filed a petition in Crl.M.P.No.21 of 2026 seeking bail. The trial Court, vide order dated 06.02.2026, dismissed the said petition. Challenging the same, the present appeal has been filed.

3. Learned counsel appearing for the appellant submitted that the case was originally pending before the I Additional District and Sessions Court, Thanjavur and was subsequently transferred to the file of the Special Court, Thiruvarur. He further submitted that the appellant, being a rustic villager and due to lack of proper legal advice, was unable to appear before the trial Court on 21.04.2025, as a result of which a Non- Bailable Warrant was issued against him and executed on 22.10.2025. He also submitted that the appellant has been in custody from 22.10.2025 and he has to engage a counsel to effectively represent his case and hence, the application seeking bail was filed. However, the learned trial Judge, without considering the long period of incarceration undergone by the appellant, dismissed the same. Hence, he prayed to allow this appeal.



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4. The submissions of the learned Government Advocate (Criminal Side) appearing for the first respondent are as follows:-

4.1. The appellant/accused is a habitual absconder and the present case has been pending from the year 2019. Earlier, when the case was pending before the I Additional District and Sessions Court, Thanjavur, non-bailable warrants were issued against the appellant on two occasions. Pursuant to the said warrants, the appellant/accused was secured with great difficulty in Kerala.

4.2. However, the appellant once again failed to appear before the trial Court on 21.04.2025. In the meantime, the case was transferred to the file of the Special Court at Tiruvarur. Consequently, the warrant was re-issued and the appellant was secured with great difficulty on 22.10.2025, after a lapse of six months.

4.3. Due to the constant abscondence of the appellant, the trial has been considerably delayed. There is a statutory provision under the Act to complete the trial within a stipulated time. However, owing to conduct of the appellant, the progress of the trial has been consistently hampered.

4.4. There are 25 witnesses cited in this case. As on date PW1 to PW9 have been examined and certain witnesses have been



Crl.A.No.216 of 2026

dispensed with. The case now stands posted for examination of LW16 to

LW19 on 07.04.2026.

4.5. The prosecution are ready to proceed with the trial by producing witnesses on the dates fixed by the trial Court. If the appellant is released on bail, there is every possibility of him absconding again, thereby derailing the progress of the trial. Hence, she vehemently opposed for grant of bail.

5. Learned Legal Aid Counsel appearing for the second respondent/*de facto* complainant submitted that the appellant/accused had brutally assaulted the *de facto* complainant's son and the case has been pending from the year 2019. She further submitted that due to the continuous abscondence of the appellant, there has been no progress in the trial.

6. Having heard the learned counsel appearing on both sides and upon perusal of the materials available on record and taking note of the dilly-dallying conduct of the appellant, this Court is not inclined to grant bail to him. Therefore, this appeal is liable to be dismissed.



Crl.A.No.216 of 2026

7. Accordingly, this Criminal Appeal stands dismissed. However, taking note of the fact that the case is of the year 2019 and that offences under the SC/ST (PoA) Act, a special enactment, are involved, this Court directs the learned Sessions Judge, Special Court for Trial of Cases under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Thiruvarur, to complete the trial in Spl.S.C.No.74 of 2025, as expeditiously as possible.

26.03.2026

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To

1. The Sessions Judge.
Special Court for Trial of Cases under Scheduled Castes
and Scheduled Tribes (Prevention of Atrocities) Act,
Tiruvarur District.
2. The Deputy Superintendent of Police,
Muthupettai Sub-Division,
Muthupettai, Muthupettai Police Station,
Thiruvarur District.
3. The Public Prosecutor,
Madras High Court.



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Crl.A.No.216 of 2026

A.D.JAGADISH CHANDIRA, J.

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Crl.A.No.216 of 2026

26.03.2026